

See Attachment

(13)
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UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL STEVENS,
Plaintiff

v.

WARDEN, USP LEWISBURG,
Defendant

CIVIL NO. 1:CV-00-1316
(Judge Caldwell)

O R D E R

FILED
HARRISBURG, PA

JAN 24 2001

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

MARY E. D'ANDREA, CLERK
PER *[Signature]* DEPUTY CLERK

The pro se prisoner-plaintiff commenced this action by filing a complaint on July 25, 2000. On July 27, 2000, this court's standing practice order was issued, informing the Plaintiff of his duties in this lawsuit, including an affirmative obligation to keep the court informed of his address. The practice order also informed the Plaintiff that "if the court [was] unable to communicate with the plaintiff because the plaintiff [had] failed to notify the court of his or her address, the plaintiff will be deemed to have abandoned the lawsuit." (Brackets added).

By order, dated November 9, 2000, the court directed plaintiff to file an amended complaint within twenty days or suffer dismissal of the action. The order was returned marked as undeliverable because the Plaintiff was no longer at that address. An inquiry by

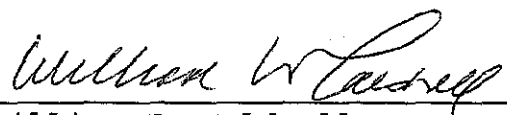
Certified from the record
Date 1-24-01
Mary E. D'Andrea, Clerk
Per *[Signature]* Deputy Clerk

the Clerk's Office as to the Plaintiff's current address led to a remailing of the order on December 13, 2000. That mailing was returned marked "return to sender."

In light of the Plaintiff's failure to comply with the practice order's requirement of informing the court of his current address and his failure to comply with the deadlines imposed in the orders of November 9 and December 13, his case will be dismissed pursuant to Fed. R. Civ. P. 41(b).

Accordingly, this 24th day of January, 2001, it is ordered that:

1. This action is dismissed without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute.
2. The Clerk of Court shall close this file.
3. Any appeal from this order will be deemed not taken in good faith.



William W. Caldwell
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 24, 2001

Re: 1:00-cv-01316 Stevens v. Warden, USP, Lewisbu

True and correct copies of the attached were mailed by the clerk
to the following:

Michael Stevens
06284-055
CCA-USM Detention Center
100 Highway Terrace
Leavenworth, KS 66048

cc:

Judge

Magistrate Judge

U.S. Marshal

Probation

U.S. Attorney

Atty. for Deft.

Defendant

Warden

Bureau of Prisons

Ct Reporter

Ctroom Deputy

Orig-Security

Federal Public Defender

Summons Issued

Standard Order 93-5

Order to Show Cause

Bankruptcy Court

Other

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with N/C attached to complt. and served by:

U.S. Marshal () Pltf's Attorney ()

with Petition attached & mailed certified mail

to: US Atty Gen () PA Atty Gen ()

DA of County () Respondents ()

MARY E. D'ANDREA, Clerk

DATE:

1-24-01

BY:

Deputy Clerk